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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,408	01/04/2002	David Wallach	WALLACH=17A	3196

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EXAMINER
ANDRES, JANET L

ART UNIT	PAPER NUMBER
1646	

DATE MAILED: 03/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application N .	Applicant(s)	
	10/035,408	WALLACH ET AL.	
	Examiner	Art Unit	
	Janet L. Andres	1646	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-33 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) 1-33 are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1, 2, 5-8, 14, 29, and 30, drawn to naturally-occurring peptides that bind to death-domain motifs, classified in class 530, subclass 324.

II. Claims 2, 6-8, and 29, drawn to synthetic peptides that bind to death-domain motifs, classified in class 530, subclass 324.

III. Claims 4, 6-8, and 29, drawn to organic molecules, classified in class 530.

IV. Claims 9-13, 15-19, and 31, drawn to polynucleotides and means of expression, classified in class 435, subclasses 69.1, 320.1, and 325, and class 536, subclass 23.5.

V. Claims 20 and 33, drawn to methods of modulating with a peptide, classified in class 514, subclass 2.

VI. Claim 21, 25, and 33, drawn to modulation by nucleic acids, classified in class 435, subclass 455.

VII. Claim 22 and 33 drawn to modulation by an antibody, classified in class 424, subclass 139.1.

VIII. Claim 23, 24, 26, 32, and 33, drawn to methods of treatment using antisense, classified in class 514, subclass 44.

IX. Claim 27, drawn to a method of purification, classified in class 530, subclass 412.

X. Claim 28, drawn to a method of identification using a two-hybrid system, classified in class 435, subclass 6.

XI. Claim 32, drawn to a method of screening by Southern blotting, classified in class 435, subclass 6.

Claims appear in more than one group if they encompass more than one invention. The inventions are distinct, each from the other because of the following reasons:

The polypeptides of Invention I are different from those of Invention II because they have different structures.

The polypeptides of Invention I are structurally unrelated to the organic molecules of Invention III.

The polypeptides of Invention I are not related to the nucleic acids of Invention IV. They differ structurally and functionally and cannot be used together or interchangeably.

The polypeptides of Invention I are distinct from the methods of Invention V because they have other uses, such as the generation of antibodies.

The polypeptides of Invention I are not related to the methods of Invention VI. They cannot be used in the methods.

The polypeptides of Invention I are not related to the methods of Invention VII. They cannot be used in the methods.

The polypeptides of Invention I are not related to the methods of Invention VIII. They cannot be used in the methods.

The polypeptides of Invention I are distinct from the methods of Invention IX. They can be purified in other ways, such as by antibody columns.

The polypeptides of Invention I are not related to the methods of Invention X. They cannot be used in these methods.

The polypeptides of Invention I are not related to the methods of Invention XI. They cannot be used in these methods.

The polypeptides of Invention II are structurally unrelated to the organic molecules of Invention III.

The polypeptides of Invention II are not related to the nucleic acids of Invention IV. They differ structurally and functionally and cannot be used together or interchangeably.

The polypeptides of Invention II are distinct from the methods of Invention V because they have other uses, such as the generation of antibodies.

The polypeptides of Invention II are not related to the methods of Invention VI. They cannot be used in the methods.

The polypeptides of Invention II are not related to the methods of Invention VII. They cannot be used in the methods.

The polypeptides of Invention II are not related to the methods of Invention VIII. They cannot be used in the methods.

The polypeptides of Invention II are distinct from the methods of Invention IX. They can be purified in other ways, such as by antibody columns.

The polypeptides of Invention II are not related to the methods of Invention X. They cannot be used in these methods.

The polypeptides of Invention II are not related to the methods of Invention XI. They cannot be used in these methods.

The organic molecules of Invention III are not related to the nucleic acids of Invention IV. They differ structurally and functionally and cannot be used together or interchangeably.

The organic molecules of Invention III are not related to the methods of Invention V. They cannot be used in the methods.

The organic molecules of Invention III are not related to the methods of Invention VI. They cannot be used in the methods.

The organic molecules of Invention III are not related to the methods of Invention VII. They cannot be used in the methods.

The organic molecules of Invention III are not related to the methods of Invention VIII. They cannot be used in the methods.

The organic molecules of Invention III are not related to the methods of Invention IX. They cannot be purified by these methods.

The organic molecules of Invention III are not related to the methods of Invention X. They cannot be used in these methods.

The organic molecules of Invention III are not related to the methods of Invention XI. They cannot be used in these methods.

The nucleic acids of Invention IV are not related to the methods of Invention V. They cannot be used in the methods.

The nucleic acids of Invention IV are distinct from the methods of Invention VI. They have other uses, such as the generation of protein.

The nucleic acids of Invention IV are not related to the methods of Invention VII. They cannot be used in the methods.

The nucleic acids of Invention IV are distinct from the methods of Invention VI. They have other uses, such as the generation of protein.

The nucleic acids of Invention IV are not related to the methods of Invention IX. They cannot be purified by these methods.

The nucleic acids of Invention IV are distinct from the methods of Invention X. They have other uses, such as the generation of protein.

The nucleic acids of Invention IV are distinct from the methods of Invention XI. They have other uses, such as the generation of protein.

The methods of Invention V are distinct from the methods of Invention VI. They require different reagents and have different method steps.

The methods of Invention V are distinct from the methods of Invention VII. They require different reagents and have different method steps.

The methods of Invention V are distinct from the methods of Invention VIII. They require different reagents and have different method steps.

The methods of Invention V are not related to those of Invention IX. They require different reagents and different method steps, and have different goals and outcome measures.

The methods of Invention V are not related to those of Invention X. They require different reagents and different method steps, and have different goals and outcome measures.

The methods of Invention V are not related to those of Invention XI. They require different reagents and different method steps, and have different goals and outcome measures.

The methods of Invention VI are distinct from the methods of Invention VII. They require different reagents and have different method steps.

The methods of Invention VI are distinct from the methods of Invention VIII. They require different reagents and have different method steps.

The methods of Invention VI are not related to those of Invention IX. They require different reagents and different method steps, and have different goals and outcome measures.

The methods of Invention VI are not related to those of Invention X. They require different reagents and different method steps, and have different goals and outcome measures.

The methods of Invention VI are not related to those of Invention XI. They require different reagents and different method steps, and have different goals and outcome measures.

The methods of Invention VII are distinct from the methods of Invention VIII. They require different reagents and have different method steps.

The methods of Invention VII are not related to those of Invention IX. They require different reagents and different method steps, and have different goals and outcome measures.

The methods of Invention VII are not related to those of Invention X. They require different reagents and different method steps, and have different goals and outcome measures.

The methods of Invention VII are not related to those of Invention XI. They require different reagents and different method steps, and have different goals and outcome measures.

The methods of Invention VIII are not related to those of Invention IX. They require different reagents and different method steps, and have different goals and outcome measures.

The methods of Invention VIII are not related to those of Invention X. They require different reagents and different method steps, and have different goals and outcome measures.

The methods of Invention VIII are not related to those of Invention XI. They require different reagents and different method steps, and have different goals and outcome measures.
The methods of Invention IX are not related to those of Invention X. They require different reagents and different method steps, and have different goals and outcome measures.
The methods of Invention IX are not related to those of Invention XI. They require different reagents and different method steps, and have different goals and outcome measures.
The methods of Invention X are distinct from those of Invention XI. They require different reagents and different method steps.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the searches required for the different groups are different, restriction for examination purposes as indicated is proper.

This application contains claims directed to the following patentably distinct species of the claimed invention:

TNFR

FASR

NGFR

MORT1

RIP

TRADD

Ankyrin I

These are different molecules with different structures and different functions, requiring different searches. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet L. Andres, whose telephone number is 703-305-0557. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler can be reached on 703-308-6564. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9307 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

Janet L. Andres, Ph.D.
Patent Examiner

March 23, 2003